



PATENT
Docket No. 435712000900
Client Reference 009

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Assistant Commissioner for Patents, Washington, D.C. 20231, on October 17, 2000.

Laura Shires
Laura Shires

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael D. LAUFER

Serial No.: 09/095,323

Filing Date: June 10, 1998

For: METHOD AND APPARATUS FOR
TREATING SMOOTH MUSCLES IN
THE WALLS OF BODY CONDUITS

Examiner: D. Shay

Group Art Unit: 3739

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated July 19, 2000 (Paper No. 11) for which a response was due on August 19, 2000. Filed herewith is a Petition and fee for a two-months extension of time, thereby extending the time for response to October 19, 2000.

Applicant hereby elects Group II (claims 28-47, 50, and 51) with traverse. Applicant traverses the restriction requirement for the same reasons as set forth in his previous Response, dated May 26, 2000. The Office Action fails to set forth how the apparatus as claimed can be used to practice another and materially different process. Additionally, a search of the claims can be made without a serious burden.

Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 435712000900. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: October 17, 2000

By: 

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